

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Elbert J., <sup>1</sup>	)	C/A No.: 1:20-cv-2544-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	ORDER
Andrew M. Saul,	)	
Commissioner of Social Security	)	
Administration,	)	
	)	
Defendant.	)	
	)	

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This matter is before the court on Plaintiff's motion for attorney fees under the Equal Access to Justice Act ("EAJA"). [ECF No. 19]. On January 26, 2021, the court issued an order reversing and remanding the Commissioner's final decision denying Plaintiff's claim for Disability Insurance Benefits under sentence four of 42 U.S.C. § 405(g). [ECF No. 17]. On March 30, 2021, Plaintiff filed a motion seeking attorney fees of \$9,943.50 under the EAJA. [ECF No. 19]. The Government subsequently filed a stipulation signed by both parties for an award of \$9,600.00. [ECF No. 20]. Considering the agreement among the parties, the court grants the motion and directs the Commissioner to pay Plaintiff \$9,600.00. This payment shall constitute a complete release from and bar to any further claims that

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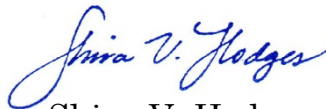
<sup>1</sup> The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision. This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

Under *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528–29 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the court orders the EAJA fee to be made payable to Plaintiff and mailed to the business address of Plaintiff's counsel.<sup>2</sup>

IT IS SO ORDERED.

April 13, 2021  
Columbia, South Carolina



Shiva V. Hodges  
United States Magistrate Judge

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<sup>2</sup> Plaintiff's counsel may disburse these funds to satisfy valid liens or in accordance with a lawful assignment.